

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3
4 JAVIER CABRERA,

5 Plaintiff,

6 v.
7 SERVICE EMPLOYEES INTERNATIONAL
8 UNION, et al.,

9 Defendant.

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**AMENDED ORDER REGARDING
TRIAL**

Case No.: 2:18-cv-00304-RFB-BNW

1. Attached hereto is a list of cases that are presently scheduled for trial before the
Honorable Richard F. Boulware, II, United States District Judge, at Las Vegas, Nevada,
commencing on **April 8, 2024, at 8:30 a.m. in Courtroom 7C.**

2. Counsel for all parties are notified the Calendar Call is **ADVANCED to March 12, 2024 at 11:00 a.m.** Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases and the defendants in criminal cases will not be required to appear for calendar call unless the court directs otherwise.

3. Counsel or their clients will be excused from calendar call if prior to the scheduled calendar call settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been accepted in a criminal case.

4. **At calendar call**, all cases that remain to be tried will be ranked in order of trial. Thereafter, the court will not grant a continuance to any party absent a showing of good cause. Unless the court otherwise directs, the cases will be tried one after the other on **SEVENTY TWO (72) HOURS'** notice from the clerk.

5. **CHANGE OF PLEA HEARINGS.** Change of plea hearings will be set on the first available date on the court's calendar. It shall be the joint responsibility of counsel for the United States and for defendant(s) to ensure that a copy of the plea agreement (or a plea memorandum in cases of no plea agreement), are delivered to Judge Boulware's courtroom deputy clerk.

1 Change of plea hearings will not be heard at calendar call, and will not be set until a signed
2 courtesy copy of the plea agreement (or a plea memorandum) is either delivered directly to
3 Judge Boulware's courtroom deputy clerk and/or faxed to chambers. It shall further be the
4 responsibility of counsel for the United States to ensure that any necessary produce orders, or writs
5 of habeas corpus ad prosequendum are timely delivered to the United States marshal to ensure the
6 presence of all in-custody defendants for a change of plea, and to ensure proper notification for
7 the attendance of any court interpreter which may be required for the particular case.

8 **6. PRETRIAL CONFERENCE.** At the request of any party, or at the direction of the
9 Court, a Pretrial Conference may be scheduled for any case. Requests by the parties should be
10 made to the Courtroom Administrator by no later than two weeks before Calendar Call.

11 **7. WITNESSES.** Counsel, and any party appearing *pro se*, shall immediately subpoena all
12 witnesses for the time and trial date as listed above. Inasmuch as the cases will be tried in a trailing
13 fashion, the subpoenas should contain a special instruction from counsel directing witnesses to
14 contact the office of counsel for further instructions prior to appearing for trial. Witnesses are not
15 required to be present at the calendar call but must appear as subpoenaed.

16 **8. On or before March 1, 2024,** or as otherwise noted, and to the extent they have not
17 already done so in accordance with the Court's Joint Pretrial Order, or other order, COUNSEL
18 FOR ALL PARTIES, AND ANY PARTY APPEARING PRO SE, SHALL COMPLY
19 WITH THE FOLLOWING

20 a. **STIPULATIONS FOR CONTINUANCE OF TRIAL DATE.** Shall
21 file with the Clerk of Court all stipulations for continuance of trial date. Stipulations shall
22 conform with the requirements of LR 6-1 and LR 7-1, or LCR 45-1 and LCR 45-4, as
23 appropriate.

24 b. **MOTIONS IN LIMINE.** Any additional motions in limine should be
25 filed on or before February 22, 2024 with Responses due March 7, 2024.

26 c. **STATEMENT OF THE CASE.** Shall file with the Clerk of Court a
JUDGE RICHARD F. BOULWARE'S
ORDER REGARDING TRIAL - 2

1 brief statement of the case, no longer than one-half page, stating the nature of the claims and
2 defenses, to be read to prospective jurors at the time of jury selection. In a criminal case, a copy
3 of the Indictment, indicating which portions should be read to the jury, will satisfy this
4 requirement.

5 d. **SUGGESTED VOIR DIRE QUESTIONS:** Shall file with the
6 Clerk of Court all suggested voir dire questions to be asked of the jury panel by the Court.

7 e. **WITNESS LISTS:** Shall file with the Clerk of Court the original list of
8 witnesses expected to be called on behalf of each party for use by the Court during jury
9 selection.

10 f. **EXHIBIT LISTS:** Shall file with the Clerk of Court the original
11 complete exhibit list of all exhibits intended to be used during the trial. At the same time,
12 each party shall serve upon all other parties a copy of the same. The exhibits are to be listed
13 on a form provided by the Clerk's Office, or obtained from the Court's website
14 www.nvd.uscourts.gov and may be computer-generated if they conform to the requirements
15 of the form that is provided by the clerk.

16 g. **MARKING EXHIBITS:** Shall meet, confer, pre-mark and
17 exchange all trial exhibits. Plaintiffs shall use numerals 1 through 500 and Defendants
18 shall use numerals 501 through 1,000. Exhibits that are on the same subject matter may
19 be marked as a series, that is, Plaintiffs 1-A, 1-B, etc. and Defendants 501-A, 501-B, etc.
20 Counsel shall notify the Courtroom Administrator that the exhibits have been pre-
21 marked.

22 h. **EXHIBITS:** Exhibits are *due at Calendar Call.* Counsel shall
23 provide the Courtroom Administrator a DVD/Cd or a USB uploaded with the exhibits in

1 individual pdf format and an exhibit list. The exhibits shall remain in the custody of the
2 clerk unless otherwise ordered. ***For Jury Trials, Counsel is required to submit the**
3 **Exhibit List and Exhibits in an electronic format, in accordance with the**
4 **Instructions in the attached Memo entitled JURY EVIDENCE RECORDING**
5 **SYSTEM (JERS).**

6 Parties may also bring a 3 ring binder of the exhibits for the use of witnesses if they so
7 choose.

8 Exhibits not included in the submissions to the Court may not be permitted to be used
9 during the trial without express permission from the Court prior to their introduction.

10 *i.* **JURY INSTRUCTIONS.** Shall jointly file with the Clerk of Court
11 one original set of agreed upon jury instructions and proposed verdict forms, due the
12 Thursday before Calendar Call. A copy of the agreed upon jury instructions and verdict
13 forms shall also be submitted in **Word** format to chambers by email to the courtroom
14 administrator and to [“RFB_Chambers@nvd.uscourts.gov”](mailto:RFB_Chambers@nvd.uscourts.gov). The parties shall submit
15 additional proposed jury instructions and verdict forms in **Word** format to chambers by
16 email at the same email address. The latter must include the authority and argument for each
17 instruction. Any modifications of instructions from statutory authority, the Ninth Circuit
18 Manual of Model Jury Instructions, or any other model instructions, must specifically
19 state the modification made to the original source and the authority and argument supporting
20 the modification. In **criminal cases**, the parties may file separate jury instructions if they
21 cannot agree upon a joint set of jury instructions.
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23 *j.* **CIVIL CASES: TRIAL BRIEFS AND PROPOSED**
24 **FINDINGS OF FACT AND CONCLUSIONS OF LAW.** Each party shall file
25 with the Clerk of Court a Trial Brief in all civil cases. This brief will outline the
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1 respective party's position for trial and identify any potential legal issues that it
2 anticipates may arise. With leave of the Court, a party may file its trial brief under
3 seal. Additionally, in all civil cases to be tried before the Court sitting without a jury,
4 the parties shall file proposed Findings of Fact and Conclusions of Law. The
5 proposed Findings and Conclusions shall also be submitted to chambers by email to
6 “RFB_Chambers@nvd.uscourts.gov” in Microsoft Word format.

7 k. **CRIMINAL CASES TRIAL BRIEFS.** The Government
8 counsel shall submit a copy of the Government's trial brief (marked confidential) to the
9 Courtroom Administrator for submission to the trial judge. The original of the
10 Government's trial brief shall be filed in open Court and a copy served by 9:00 a.m. on
11 the first day of trial upon defense counsel. Defense counsel may file a trial brief. If
12 defense counsel elects to file a trial brief, the same shall be filed and served upon
13 Government counsel prior to the defense commencing its side of the case.
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16 9. **TRIAL SCHEDULE.** Trial will generally begin at 8:30 a.m., and end at 2:00 p.m.
17 The first week of trial will be held from Monday through Friday; with Friday as a half day.
18 However, parties should plan to be available between 8:00 a.m., and 9:00 a.m., in the morning and
19 between 2:00 p.m. and 3:00 p.m., in the afternoon each day of trial to address matters outside the
20 presence of the jury. This standard trial schedule may be modified for good cause; however,
21 requests should be submitted at Calendar Call or before the written trial schedule is issued to jurors.

22 10. **USE OF EVIDENCE DISPLAY EQUIPMENT,** Counsel wishing to use the Court's
23 evidence display equipment should bring their laptops to the Calendar call. Testing will occur
24 immediately after the hearing. Otherwise, counsel may contact the Courtroom Administrator
25 during at least one week before trial for training or instruction and availability for use at trial

26 11. **EXPEDITED OR DAILY TRANSCRIPTS:** Any party that will require expedited
or daily transcripts shall notify Patty Ganci, Court Reporter via email at
JUDGE RICHARD F. BOULWARE'S
ORDER REGARDING TRIAL - 5

patricia_ganci@nvd.uscourts.gov, immediately upon receipt of this order. The court reporter will provide instructions with respect to expedited or daily transcripts. Failure to timely notify the court reporter may result in an inability to provide expedited or daily transcripts.

12. SANCTIONS. As provided for under the Local Rules of Practice of this Court, the Court will consider the imposition of sanctions against any attorney or party appearing pro se who (1) fails to timely comply with the provisions of this Order including, but not limited to, the failure to appear for Calendar Call without having been excused by the Court or the clerk with the permission of the Court; or (2) fails to timely comply with any other order that schedules deadlines for trial preparation.

13. TRIAL JUDGE. Although the cases listed on the attached trial calendar are assigned to the undersigned, the cases may proceed to trial before another Nevada district judge or a visiting district judge..

14. CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE. All parties in civil actions are reminded of their right, subject to the approval of the undersigned, to consent to trial before a United States Magistrate Judge pursuant to Title 28, United States Code, Section 636(c).

2. The right to proceed before a magistrate judge in a civil case includes those cases which will be tried before a jury as well as those cases to be tried before the Court sitting without a jury. Any appeal from a judgment resulting in a trial before a magistrate judge shall be taken directly to the United States Court of Appeals.

15. CONTACT PERSON: All questions and information regarding the trial calendar are to be directed to Darci Reich-Smith, Courtroom Administrator at (702) 464-5436 or email at darci_reichsmith@nvd.uscourts.gov

16. The date of the Clerk's file mark shall constitute the date of this Order.

IT IS SO ORDERED.

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RICHARD F. BOULWARE, II
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA
COURTROOM 7C

MONDAY, APRIL 8, 2024

PRESENT:

THE HONORABLE RICHARD F. BOULWARE, II, U.S. DISTRICT JUDGE

Courtroom Administrator

Law Clerk(s)

Reporter/Recorder

8:30A.M.

2: 16-cv-01503-RFB-DJA

AMYVILELA

v.

JURY TRIAL

VALLEY HEALTH SYSTEM LLC

COUNSEL FOR PLAINTIFF(s):

Casey Gish, Esq.

COUNSEL FOR DEFENDANT(s):

John Cotton, Esq.

Ken Webster, Esq.

Michael Prangle, Esq.

Casey Tyler, Esq.

Ryan O'Malley, Esq.

Melanie Chapman, Esq.

Teyla Buys, Esq.

Todd Weiss, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA
COURTROOM 7C

MONDAY, APRIL 8, 2024

PRESENT:

THE HONORABLE RICHARD F. BOULWARE, II, U.S. DISTRICT JUDGE

Courtroom Administrator

Law Clerk(s)

Reporter/Recorder

8:30A.M.

2:18-cv-00304-RFB-BNW

JAVIER CABRERA

v.

JURY TRIAL

SERVICE EMPLOYEES
INTERNATIONAL UNION

COUNSEL FOR PLAINTIFF(s):

Michael Mcavoyamaya, Esq.

COUNSEL FOR DEFENDANT(s):

Daryl Martin, Esq.

Jonathan Cohen, Esq.

Glenn Rothner, Esq.

Evan James, Esq.

Eli Naduris-Weissman, Esq.

Carlos Coye, Esq.

2:23-cr-00030-RFB-NJK

UNITED STATES OF AMERICA

v.

JURY TRIAL CONTINUED

KRISTOPHER DALLMANN,
ET AL., (1)

COUNSEL FOR GOVERNMENT:

Brian Whang, AUSA

Jacob Operksalski, AUSA

COUNSEL FOR DEFENDANT:

Tony Abbatangelo, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA
COURTROOM 7C

MONDAY, APRIL 8, 2024

PRESENT:

THE HONORABLE RICHARD F. BOULWARE, II, U.S. DISTRICT JUDGE

Courtroom Administrator

Law Clerk(s)

Reporter/Recorder

8:30A.M.

2:21-cr-00210-RFB-EJY

UNITED STATES OF AMERICA

v.

JURY TRIAL

RYAN PASQUARELLO (1)

COUNSEL FOR GOVERNMENT:

Brian Whang, AUSA

Jacob Operkalski, AUSA

COUNSEL FOR DEFENDANT:

Tony Abbatangelo, Esq.

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2:22-cr-00198-RFB-BNW

UNITED STATES OF AMERICA

v.

JURY TRIAL

JACOB KINDER (1)

COUNSEL FOR GOVERNMENT:

Melanee Smith, AUSA

COUNSEL FOR DEFENDANT:

Rebecca Levy, AFD

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA
COURTROOM 7C

MONDAY, APRIL 8, 2024

PRESENT:

THE HONORABLE RICHARD F. BOULWARE, II, U.S. DISTRICT JUDGE

Courtroom Administrator

Law Clerk(s)

Reporter/Recorder

8:30A.M.

2:23-cr-00115-RFB-EJY

UNITED STATES OF AMERICA

v.

JURY TRIAL

MANUEL TARANGO (1)

COUNSEL FOR GOVERNMENT:

David Kiebler, AUSA

COUNSEL FOR DEFENDANT:

Joanne Diamond, Esq.

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2:22-cr-00114-RFB-BNW

UNITED STATES OF AMERICA

v.

JURY TRIAL

REGINA BRICE (1)

COUNSEL FOR GOVERNMENT:

Steven Myhre, AUSA

Justin Washburne, AUSA

COUNSEL FOR DEFENDANT:

Peter Isso, Esq.

Gary Reeves, Esq.

Jury Evidence Recording System (JERS)



How to Submit Electronic Exhibit Files

Electronic evidence files should be provided to the Office of the Clerk of Court on a USB drive, DVD or CD :

Exhibit Formatting Instructions for JERS Submission

Exhibit files can be formatted in a manner that permits them to be batch imported into the JERS system. The District of Nevada uses the Indexed File Method. This requires counsel to submit their trial exhibits:

1. On a single storage device such as a CD, DVD or USB drive;
2. With a text delimited Index file named Exhibits.txt. **The Exhibits.txt file must be called EXACTLY that - Exhibits.txt.** The Exhibits.txt file must contain the following “pipe” delimited layout: **Exhibit Number|Exhibit Description|Exact File Name.**
 - Do NOT use special characters for the “pipe”. On a standard keyboard, the “pipe” is generated by pressing shift and the key above the enter key at the same time.
 - The text delimited Exhibits.txt must be on the same level as all exhibits (meaning exhibits cannot be put into separate folders on the disk). There also should be no spaces between the categories and “pipe”, no labels, no bolding, no extra spaces between lines, etc.

Requirements for Exhibit File Types

All electronic evidence should be provided using the following formats:

- Documents and Photographs: **.pdf, .jpg, .bmp, .tif, .gif**
- Video and Audio Recordings: **.avi, .wmv, .mpg, .mp3, .mp4, .wma, .wav**

Regarding the file size of the electronic evidence, individual files should not exceed 500MB. If possible, exhibits approaching or exceeding this size limit should be separated into multiple files. Note, PDF documents can often be reduced significantly in size by using tools such as Adobe's "Reduce File Size" feature. Images can be significantly reduced in file size by lowering its resolution or dimensions, usually with minimal affect to viewing quality.

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- ☞ **Keep file names short and simple and avoid spaces!** We suggest simply the Exhibit number with the proper extension for file type. A maximum of 50 characters will be allowed for the file name – anything larger will not work. Spaces in the file name do not work well so AVOID THEM.
 - ☞ **Do NOT use parenthesis in your exhibit numbers.** If you would normally call an exhibit 1(a), name it 1-a. If you have a two part exhibit name like 1.18(2), name it 1-18.2. This is the only way that JERS can read it properly – dash to indicate first sub-part and . to indicate any additional subpart.
 - ☞ If you are an attorney representing a party in a multi-party case where there are **more than one party per side proceeding to trial, use the party name as the first part of the exhibit number followed by the additional identifiers.** Example: Smith-1, Smith-2.1, Jones-1, Jones-2.1, RedTrucking-A, RedTrucking-B, BlueTrucking-A, BlueTrucking-B.1

Exhibits.txt for MAC users

#1 – Create your exhibit list in a Word document using a 3-column table. Save this document to submit as your exhibit list to file with the Court.

ex:

EXHIBIT	DESCRIPTION	FILENAME
A	Aerial Map	Ex.A.pdf
B	Photo of scene	Ex.B.pdf
C	Photo of vehicle	Ex.C.pdf

#2 – Copy your list into another Word document. On this copy, “Click” or “Select all” on the table. Then go to the “Table” on the tool bar. When it drops down, select “Convert”. Click on “Table to Text”.

#3 – When you click on “Table to Text”, it will ask you how you want to separate the text. In the “Other” section – put in a pipe (“|”).

#4 – When your table converts, it should look like this:

EXHIBIT|DESCRIPTION|FILENAME
A|Aerial Map|Ex.A.pdf
B|Photo of scene|Ex.B.pdf
C|Photo of vehicle|Ex.C.pdf

#5 – Save as “Exhibits.txt”.

#6 – Open “Exhibits.txt” in theTextEdit program and re-save (keeping the name “Exhibits.txt”).